

MOUND COTTON WOLLAN & GREENGRASS
Francis A. Montbach (FAM9631)
One Battery Park Plaza
New York, NY 10004
Telephone: (212) 804-4200
Fax: (212) 344-8066
Attorneys for Third-Party Plaintiff
Delta Air Lines, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN HOME ASSURANCE COMPANY,

Plaintiff,

07 Civ. 6219 (DC)

- against -

DELTA AIR LINES, INC., UTi UNITED
STATES, INC., & SERVICIOS LOGISTICS
INTEGRADOS and SWISSPORT USA, INC.,

**NOTICE OF
MOTION**

Defendants.

-----X

DELTA AIR LINES, INC.,

Defendant and Third-Party Plaintiff,

- against -

SWISSPORT USA, INC.

Third-Party Defendant.

-----X

PLEASE TAKE NOTICE, that, upon the annexed Affirmation of Francis A. Montbach, dated August 4, 2008, together with the exhibits annexed thereto; the Affidavit of Norma Bayron, sworn to the 1st day of August, 2008, together with the exhibits annexed thereto;

thereto; the accompanying Memorandum of Law; the Local Rule 56.1 Statement; and all the papers and proceedings had herein, third-party defendant, Delta Air Lines, Inc. ("Delta") will move this Court at the United States Courthouse, located at 500 Pearl Street, New York, New York 10007, before the Hon. Denny Chin, on a date and time to be determined by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in its favor based upon Delta's Third-Party Complaint, for full indemnification of all costs and expenses in connection with plaintiff's claim in accordance with the Master Agreement between Delta and third-party defendant Swissport USA, Inc. and granting Delta such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that in accordance with the Court's directive, any opposition to this motion must be served and filed on or before August 26, 2008.

Dated: New York, New York
August 5, 2008.

MOUND, COTTON & WOLLAN & GREENGRASS
Attorneys for Third-Party Plaintiff
Delta Air Lines, Inc.

By Francis A. Montbach/s
Francis A. Montbach (FAM9631)
Office and P. O. Address
One Battery Park Plaza
New York, New York 10004
(212) 804-4200
fmontbach@moundcotton.com

TO: MENDES & MOUNT, LLP
Attorneys for Swissport USA, Inc.
750 Seventh Avenue
New York, NY 10019-6829

KENNEDY, LILLIS, SCHMIDT & ENGLISH
Attorneys for Plaintiff
American Home Assurance Company
75 Maiden Lane
Suite 402
New York, New York 10038-4816

KAPLAN, VON OHLEN & MASSAMILLO, LLC
Attorneys for UTi UNITED STATES, INC.
555 Fifth Avenue
15th Floor
New York, NY 10017

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

Marian Kelly, being duly sworn, deposes and says:

Deponent is not a party to this action, is over the age of 18 years, and resides in Maywood, New Jersey. That on the 5th day of August, 2008 deponent served the within NOTICE OF MOTION, AFFIRMATION OF FRANCIS A. MONTBACH, AFFIDAVIT OF NORMA BAYRON, RULE 56.1 STATEMENT AND MEMORANDUM OF LAW IN SUPPORT OF THIRD-PARTY PLAINTIFF, DELTA AIR LINES, INC.'S MOTION FOR SUMMARY JUDGMENT upon

MENDES & MOUNT, LLP
750 Seventh Avenue
New York, NY 10019-6829

KAPLAN, VAN OHLEN & MASSAMILLO, LLC
555 Fifth Avenue
15th Floor
New York, NY 10017

KENNEDY LILLIS, SCHMIDT & ENGLISH
75 Maiden Lane - Suite 402
New York, New York 10038-1818

at the addresses designated by said attorneys by depositing the same enclosed in a postpaid properly addressed wrapper directed to each of said attorneys at the above addresses in an official depository under the exclusive care and custody of the US Postal Service within the State of New York.


Marian Kelly

Sworn to before me this
5th day of August, 2008.


Notary Public

IRENE SIEGEL
Notary Public State of New York
No. 41-4872330
Qualified in Queens County
Commission Expires October 14, 2010